

<div>Attorney or Party Name, Address, Telephone &amp; FAX Nos., State Bar No. &amp; Email Address</div> <div>William G. Cort 9040 Telegraph Rd., Suite 206 Downey, CA 90240 (562)923-6761 Fax: (562)869-1200 SBN: 50326 CA williamgcortdocuments@gmail.com</div>		<div>FOR COURT USE ONLY</div>	
<div><input type="checkbox"/> Respondent appearing without attorney</div> <div><input checked="" type="checkbox"/> Attorney for Respondent:</div>			
<div>UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA</div>			
<div>In re:</div> <div>Estela Toledo</div>		<div>CASE NO.: 2:18-bk-10339-NB</div> <div>CHAPTER: 13</div>	
		<div>RESPONSE TO MOTION REGARDING THE AUTOMATIC STAY AND DECLARATION(S) IN SUPPORT</div>	
		<div>DATE: July 26, 2022</div> <div>TIME: 10:00 a.m.</div> <div>COURTROOM: 1545</div> <div>PLACE: 255 E. Temple St., Los Angeles, CA 90012</div>	
<div>Debtor(s).</div>			
<div>Movant: U.S. Bank National Association, not in its individual capacity but solely as trustee for the RMAC Trust, Series 2016-CTT</div>			

**Respondent:** ☒ Debtor ☐ trustee ☐ other:

**NOTE REGARDING FILING AND SERVICE OF RESPONSE, EXHIBITS AND DECLARATIONS:**  
A copy of the Response, exhibit(s) and declaration(s) must be served upon:  
(1) Movant's attorney (or Movant, if Movant does not have an attorney);  
(2) the trustee; and  
(3) the judge who presides over this bankruptcy case.  
Then the document must be filed with the court.

1. ☐ **NONOPPOSITION**

The Respondent does not oppose the granting of the Motion.

2. ☐ **LIMITED OPPOSITION**

- a. ☐ Respondent opposes the Motion only to the extent that it seeks immediate relief from stay. Respondent requests that no lock out, foreclosure, or repossession take place before (date): \_\_\_\_\_ and the reason for this request is (specify): \_\_\_\_\_
- b. ☐ As set forth in the attached declaration of the Respondent or the Debtor, the motion is opposed only to the extent that it seeks a specific finding that the Debtor was involved in a scheme to hinder, delay or defraud creditors.

The Debtor:

- (1) ☐ has no knowledge of the Property.  
(2) ☐ has no interest in the Property.  
(3) ☐ has no actual possession of the Property.  
(4) ☐ was not involved in the transfer of the Property.

- c. ☐ Respondent opposes the Motion and will request a continuance of the hearing since there is an application for a loan modification under consideration at this time. Evidence of a pending loan modification is attached as Exhibit \_\_\_\_\_.

3. ☒ **OPPOSITION** The Respondent opposes granting of the Motion for the reasons set forth below.

- a. ☐ The Motion was not properly served (specify):

- (1) ☐ Not all of the required parties were served.  
(2) ☐ There was insufficient notice of the hearing.  
(3) ☐ An incorrect address for service of the Motion was used for (specify): \_\_\_\_\_

- b. ☒ Respondent disputes the allegations/evidence contained in the Motion and contends as follows:

- (1) ☒ The value of the Property is \$ 669,000.00, based upon (specify): **Zillow**.  
(2) ☒ Total amount of debt (loans) on the Property is \$ 586,705.67.  
(3) ☐ More payments have been made to Movant than the Motion accounts for. True and correct copies of canceled checks proving the payments that have been made are attached as Exhibit \_\_\_\_\_.  
(4) ☐ There is a loan modification agreement in effect that lowered the amount of the monthly payments. A true and correct copy of the loan modification agreement is attached as Exhibit \_\_\_\_\_.  
(5) ☐ The Property is necessary for an effective reorganization. Respondent filed or intends to file a plan of reorganization that requires use of the Property. A true and correct copy of the plan is attached as Exhibit \_\_\_\_\_.  
(6) ☐ The Property is fully provided for in the chapter 13 plan and all postpetition plan payments are current. A true and correct copy of the chapter 13 plan is attached as Exhibit \_\_\_\_\_ and proof that the plan payments are current through the chapter 13 trustee is attached as Exhibit \_\_\_\_\_.  
(7) ☐ The Property is insured. Evidence of current insurance is attached as Exhibit \_\_\_\_\_.  
(8) ☐ Movant's description of the status of the unlawful detainer proceeding is not accurate.  
(9) ☐ Respondent denies that this bankruptcy case was filed in bad faith.  
(10) ☐ The Debtor will be prejudiced if the Nonbankruptcy Action is allowed to continue the nonbankruptcy forum.  
(11) ☒ Other (specify): **The Debtor is in process of requesting permission from her lender to allow a modification of her present Chapter 13 plan to include the post-petition arrears. If her request is denied, the Debtor would like to enter into an Adequate Protection Order.**

- c. ☒ Respondent asserts the following as shown in the declaration(s) filed with this Response:

- (1) ☐ The bankruptcy case was converted from chapter \_\_\_\_\_ to chapter \_\_\_\_\_.  
(2) ☐ All postpetition arrearages will be cured by the hearing date on this motion.  
(3) ☐ The Property is fully provided for in the chapter 13 plan and all postpetition plan payments ☐ are current, or ☐ will be cured by the hearing date on this motion.  
(4) ☐ The Debtor has equity in the Property in the amount of \$ \_\_\_\_\_.  
(5) ☒ Movant has an equity cushion of \$ 82,654.33 or \_\_\_\_\_ % which is sufficient to provide adequate protection.  
(6) ☐ The Property is necessary for an effective reorganization because (specify): \_\_\_\_\_  
(7) ☐ The motion should be denied because (specify): \_\_\_\_\_  
(8) ☐ An optional memorandum of points and authorities is attached in support of this Response.

**4. EVIDENCE TO AUTHENTICATE EXHIBITS AND TO SUPPORT FACTS INSERTED IN THE RESPONSE:**

Attached are the following documents in support of this Response:

- |  |   |
|--|---|
| <input type="checkbox"/> Declaration by the Debtor | <input checked="" type="checkbox"/> Declaration by the Debtor's attorney            |
| <input type="checkbox"/> Declaration by trustee    | <input type="checkbox"/> Declaration by trustee's attorney                          |
| <input type="checkbox"/> Declaration by appraiser  | <input checked="" type="checkbox"/> Other ( <i>specify</i> ): <b>Zillow profile</b> |

Date: 7/13/22

Law Office of William G. Cort  
Printed name of law firm for Respondent (if applicable)

William G. Cort  
Printed name of individual Respondent or attorney for Respondent

/s/William G. Cort  
Signature of individual Respondent or attorney for Respondent

1 **WILLIAM G. CORT (SBN: 50326)**  
2 **LAW OFFICE OF WILLIAM G. CORT**  
3 **9040 Telegraph Rd., Ste. 206**  
4 **Downey, CA 90240**  
5 **Tel (562) 923-6761**  
6 **Fax (562) 869-1200**  
7 **Email: williamgkortdocuments@gmail.com**

8 **Attorney for Debtor**  
9 **Estela Toledo**

10 **UNITED STATES BANKRUPTCY COURT**  
11 **CENTRAL DISTRICT OF CALIFORNIA LOS ANGELES DIVISION**

12 In re:

13 Estela Toledo,

14 Debtor.

Case No.: **2:18-bk-10339-NB**

Chapter 13

**DECLARATION OF WILLIAM G.  
CORT, DEBTOR'S ATTORNEY, IN  
SUPPORT OF RESPONSE TO MOTION  
FOR RELIEF FROM THE AUTOMATIC  
STAY**

Date: 7/26/22

Time: 10:00 a.m.

Ctrm: 1545

21 I, William G. Cort, declare as follows:

22 1. I am the Debtor's Attorney in the above-captioned proceeding. I have personal  
23 knowledge of the facts set forth herein and if called upon to testify hereto, I could and would do so  
24 competently thereto.

25 2. The Debtor has instructed this office to request that the lender allows her to modify  
26 her current Chapter 13 Plan to include the post-petition arrears. This office has reached out to the  
27 Movant's attorney and we are waiting for their response.  
28

**DECLARATION OF WILLIAM G. CORT, DEBTOR'S ATTORNEY, IN SUPPORT OF  
RESPONSE TO MOTION FOR RELIEF FROM THE AUTOMATIC STAY**

1           3.       The Debtor has informed this office that she would like to enter into an Adequate  
2 Protection Order to cure her post-petition mortgage arrears, if the Movant denies her request. This  
3 office has also requested an Adequate Protection Order from the Movant in case her request is  
4 denied.

5           4.       The Debtor's property has approximately \$82,294.33 in equity which provides an  
6 adequate protection for the moving party. According to moving party's motion, the first Trust Deed  
7 balance of \$406,846.30 was owed on the property at the time of the filing of its Proof of Claim on  
8 March 15, 2018. According to the Proof of Claim filed by Deutsche Bank National, the second  
9 Deed of Trust holder, the balance owed when their Proof of Claim was filed on August 22, 2019,  
10 was \$179,859.37. The lien avoidance motion as to the second deed of trust was granted. The Total  
11 combined debt claimed against the Debtor's property is approximately \$586,705.67. The attached  
12 Property Profile report from Zillow.com values my client's home at an estimated average value of  
13 \$669,000.00, resulting in \$82,294.33 in equity. I have attached as **Exhibit "1"** hereto a true and  
14 correct copy of Zillow.com's Property Profile which values the property at an average \$669,000.00.  
15 I consider the attached Zillow.com to be a credible source as to property values. Therefore, this  
16 property is necessary for an effective reorganization of the Debtor's estate. Furthermore, our office  
17 will file a supplemental declaration to include a Broker Priced Opinion prior to the hearing date.

18  
19           I declare under penalty of perjury under the laws of the United States of America and the  
20 State of California that the foregoing facts are known by me to be true and correct.

21  
22           Executed on July 13, 2022, in Downey, California.

23  
24  
25           /s/William G. Cort  
26 William G. Cort, Debtor's Attorney  
27  
28

**EXHIBIT “1”**



3 bd 1 ba 1,065 sqft

16648 E Arrow Hwy, Covina, CA  
91722

**Off market** Zestimate®:  
**\$669,900** Rent Zestimate®:  
**\$2,749**

Est. refi payment: \$3,629/mo

**\$** Refinance your loan

Home value Owner tools Home



**Do you own this home?**

Get exclusive tools to track  
your home's value and  
update its details on Zillow.

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**Unlock owner  
dashboard**

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:  
9040 Telegraph Rd., Suite 206  
Downey, CA 90240

A true and correct copy of the foregoing document entitled (*specify*): RESPONSE TO MOTION REGARDING THE AUTOMATIC STAY AND DECLARATION(S) IN SUPPORT will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date) 7/13/22, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Erin M McCartney: bankruptcy@zbslaw.com  
Edward A Treder: cdcaecf@bdfgroup.com  
Kristin A Zilberstein: Kris.Zilberstein@Padgettlawgroup.com  
Lemuel Bryant Jaquez: bjaquez@ghidottiberger.com  
Kathy A Dockery: EFiling@LATrustee.com  
Mark S Krause: bankruptcy@zbslaw.com  
Erin M McCartney: bankruptcy@zbslaw.com  
Michelle R Ghidotti: bknotifications@ghidottiberger.com  
Nichole Glowin: bankruptcy@zbslaw.com  
United States Trustee: ustpreion16.la.ecf@usdoj.gov

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL: On (date) 7/13/22, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☒ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) \_\_\_\_\_, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

July 11, 2022  
Date

Victor Hernandez  
Printed Name

/s/Victor Hernandez  
Signature



Estela Toledo  
16648 East Arrow Highway  
Covina, CA 91722

William G. Cort  
Law Office of William G. Cort  
9040 Telegraph Rd., Suite 206  
Downey, CA 90240

Aegis Wholesale Corporation  
3010 Briarpark Drive, Suite 700  
Houston, TX 77042

Barret Daffin Frappier Treder  
4004 Belt Line Road, Suite 100  
Addison, TX 75001

Bleier & Cox APC  
16130 Ventura Blvd Ste 620  
Encino, CA 91436

Capital One  
15000 Capital One Dr  
Richmond, VA 23238

Merrick Bank Corp  
Po Box 9201  
Old Bethpage, NY 11804

Mr. Cooper  
8950 Cypress Waters Blvd  
Coppell, TX 75019

Ocwen Loan Servicing, LLC  
Attn: Bankruptcy Department  
1661 Worthington Rd  
Suite 100  
West Palm Beach, FL 33409